

STATE OF CONNECTICUT

BOARD OF LANDSCAPE ARCHITECTS

TEL. NO. (860) 713-6135

-MINUTES-

JUNE 10, 2014

The Board of Landscape Architects held a regular meeting on June 10, 2014, which was called to order by Chairman Vincent McDermott at 9:31 AM in Room No 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Board Members Present:

Vincent C. McDermott	Chairman
W. Phillips Barlow	Board Member
Stephen Wing	Board Member

Board Members Not Present:

None

Vacancy:

Three (Public Members)
One (Landscape Architect)

Others Present:

Robert M. Kuzmich	Department of Consumer Protection
Peter R. Huntsman	Attorney General's Office

Note: The administrative functions of the Boards, Commissions, and Councils are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, contact Richard M. Hurlburt, Director, at (860) 713-6135 or Fax (860)-706-1255.

Agency Website: www.ct.gov/dcp

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1. Old Business

1A. Minutes of the March 11, 2014 meeting of the Board; for review and approval. The Board approved the minutes as submitted. Mr. McDermott clarified a question Mr. Wing had regarding Item 3I. (1). This Agenda Item stated that Mr. McDermott had received correspondence sent to him by the Department of Consumer Protection concerning proposed legislature involving the licensure of landscape contractors put forth by their association. Mr. McDermott stated that although this correspondence was presented by the Department of Consumer Protection, the implementation of this proposed legislative action was to be managed by the Department of Energy and Environmental Protection. Mr. McDermott believes that this proposed legislation never passed.

2. Comments or Concerns of Any Person Present Today

No one scheduled before the Board today. In addition, there were no additional requests from anyone present at today's meeting.

3. New Business

3A. Request from Ms. Gina M. Ford for pre-approval from the Board for self-directed study activities relative to the Continuing Education Requisite; for the Board's discussion and consideration. Mr. Wing summarized Ms. Ford's request for the Board's benefit. The Board voted to deny her request based upon the fact that she did not obtain pre-approval from the Board prior to her participation in this activity as mandated by Statute. (Wing/McDermott)

3B. Application of Mr. Allan E. Broadbent for licensing by written examination; Mr. Broadbent is applying with a *CLARB Council Record (No. 37649)* and has passed the *Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards*. ***Upon a thorough review, the Board voted, unanimously, to approve Mr. Broadbent's application. (Wing/McDermott)***

3C. Application of Ms. Elizabeth C. Dudley for licensing by written examination; Ms. Dudley is applying with a *CLARB Council Record (No. 28901)* and has passed the *Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards*. ***Upon a thorough review, the Board voted, unanimously, to approve Ms. Dudley's application. (Wing/McDermott)***

3D. Application of Mr. Kenney D. Moses for licensing by written examination; Mr. Moses is applying with a *CLARB Council Record (No. 40069)* and has passed the *Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards. Upon a thorough review, the Board voted, unanimously, to approve Mr. Kenney's application. (Wing/McDermott)*

3E. Application of Ms. Kathleen M. Snyder for licensing by written examination; Ms. Snyder is applying with a *CLARB Council Record (No. 36920)* and has passed the *Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards. Upon a thorough review, the Board voted, unanimously, to approve Ms. Snyder's application. (Wing/McDermott)*

3F. Application of Mr. Michael T. Wilson for licensing by written examination; Mr. Wilson is applying with a *CLARB Council Record (No. 42095)* and has passed the *Landscape Architect Registration Examination with the Council of Landscape Architectural Registration Boards. Upon a thorough review, the Board voted, unanimously, to approve Mr. Wilson's application. (Wing/McDermott)*

3G. Updated list of applications processed for licenses subsequent to the March 12, 2013 meeting of the Board. The Board acknowledged this information and thanked the Department for this update.

NAME	METHOD OF LICENSURE	DEPT. APPR'D
Bohme, Andrew J.	Waiver of Exam; CLARB Certificate Record No. 37114; Massachusetts	April 1, 2014
Washington, Sean M.	Waiver of Exam; CLARB Certificate Record No. 6331; Tennessee	April 28, 2014

Application for License for Corporate Practice of Landscape Architecture

Stantec Planning and Landscape Architecture P.C.
 2321 Whitney Avenue
 Hamden, Connecticut 06518

3H. Report from Trade Practices Division concerning complaints acted upon relative to the jurisdiction of the Board of Landscape Architects; for the Board's information. There was no report presented to the Board today.

3I. Update from the Department's Legal Staff regarding any Board issues or otherwise.

1. Summary of Corporation Statues affecting Landscape Architecture as previously discussed at the Board's last Meeting from Mr. Steven Schwane. The issue is summarized below from the Board's last meeting.

“Mr. McDermott discussed the joint practice form of practice which includes Landscape Architects. In particular, the 20% ownership of each profession came into question. He referenced his own company which offers surveying and landscape architects yet does not have a 20% ownership by either profession. The question raised by Mr. Kuzmich is can a company which does not qualify by the joint practice standards of ownership however still has the licensed design professionals on staff still offer their respective services?”

Mr. McDermott noted that the existing joint practice statutes are potentially in conflict with the newly adapted statutes providing for the corporate practice of landscape architecture solely. This Board deliberately did not require disclosure of ownership in the law regarding the corporate practice (certificate of authorization) of landscape architecture but does ask for names of the individuals in charge of this profession. Mr. Schwane noted an exemption in the joint practice law which states that “corporations for such joint practice in existence as of July 1, 1992, may continue to be governed by the provisions of this subsection as revised to 1989, provided the certificate issued under this section did not expire more than two years before that date”.

The question remains how the Department will act in response to the corporations which do not comply with the joint practice ownership requirements now that all existing corporations have been sent new applications forms to be completed updating their business ownership.”

In conclusion, Mr. McDermott suggested to the Board that this item be placed on the back burner because of the complicated nature of this matter and the number of State Agencies and Consumer Protection Boards involved in this matter.

As an aside, Mr. McDermott again asked the Department to better advertise the requirement for corporate licensure for landscape architects when such is necessary beyond simply posting the application forms on line. He believes that most landscape architects are not aware of the corporate licensing requirement and suggested that perhaps the Department provide a separate mailing to all landscape architects making them aware of this requirement. Other methods of advertisements were discussed. Mr. Wing first motioned to ask the Department do a mailing to all licensees informing them of the requirement for a certificate of authorization to practice other than a sole proprietor. Mr. McDermott seconded the motion. The motion carried unanimously.

3J. Any correspondence and/or business received in the interim.

1. Mr. McDermott updated the Board on the matter concerning the Town of Greenwich Storm Water Drainage Manual and Low Impact Development Storm Water Management. Mr. McDermott sent an e-mail to Mr. Dave Thompson Deputy Director of Public Works a while back citing four sections of the regulations in this manual as it

was written at that time. His comments concerned the certifications required in their Drainage Manual for various categories of submittals for approvals. He received a written response dated May 7, 2014 and presented this letter at today's meeting.

The Town's arguments, in response to Mr. McDermott's letter, basically focus on the fact that because drainage structures are involved in the evaluations, the Town believes that a seal of a Professional Engineer is required. In addition, the Town also places the responsibility for many areas of their storm water management areas on the Professional Engineer and requires their seal on the same. Mr. Thompson's letter does acknowledge that some of the preparation of this work can be done in by Landscape Architects but their work must be reviewed and sealed by the Professional Engineer.

Mr. Barlow stated that he is not satisfied with Mr. Thompson's responses noting that Mr. Thompson is combining grading plans and drainage systems in one discipline when in fact landscape architects are permitted to provide grading plans by State Statute. Mr. Barlow also cited several other areas of Mr. Thompson's response letter which basically follow the same theme in that they intentionally exclude landscape architects because that is how their rules are written and offer no recourse; period. Mr. Wing agreed with Mr. Barlow.

Mr. Huntsman in response to the Board's inquiry stated to the Board their mandate as set by State Statute in comparison to Mr. Thompson's response letter. He elaborated on the interpretation of the term "incidental" meaning not significant as opposed to "incidental to".

The focus of the Board's response is clearly, by law, that landscape architects can perform grading plans (by rational formula as used in determining pipe size) and basically are not interested in designing drainage structures. Mr. McDermott cited the Landscape Architect Examination and the parts of the same which tests candidates in many of the areas cited in the Town of Greenwich's Manual and also noted areas in which they may not be qualified for by virtue of their training and examination. Mr. McDermott reminded the Board of a similar situation their Board encountered in the City of Norwalk and how they handled that matter on behalf of one of their licensees.

In conclusion, the Board believes that the Commissioner of the Department of Consumer Protection would want to be involved in this matter with the Town of Greenwich should the Board decide to, in essence, "pick a fight" with them. It was decided to have Mr. McDermott respond to Mr. Thompson in writing citing the Board's disagreement with some portions of his response letter to them and present their logic behind their stance. The Board will deal with any repercussions as they may develop at that time. Mr. McDermott will circulate his draft of this letter to the Board for their review.

4. Comments or Concerns of Any Person Present Today:

No one scheduled before the Board today. In addition, there were no additional requests from anyone present at today's meeting.

The meeting adjourned at 10:32 AM. The next regular meeting of the Board is scheduled for Tuesday, September 9, 2014, 9:30 AM, Room 117, State Office Building, 165 Capitol Avenue, Hartford, Connecticut.